

PATENT
Attorney Docket No. 101.0044-04000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9 / Communicate
Letter
12-05-01

In re Application of:)
)
Gary Karlin Michelson)
)
Serial No.: 09/605,001)
)
Filed: June 27, 2000)
)
For: APPARATUS AND METHOD OF)
INSERTING SPINAL IMPLANTS)

Group Art Unit: 3764

Examiner: M. Brown

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

COMMUNICATION

Further to the Amendment dated July 3, 2001, applicant submits an application
of the terms of each claim pursuant to 37 C.F.R. § 1.607(a)(5) as follows:

Claim 105: providing step: page 61, lines 18-23; and Fig. 26;
distracting step: page 61, line 34-page 62, line 3; and Fig. 27; and
performing step: page 28, line 28-page 29, line 28; page 61, lines 15
and 16; and page 62, lines 15-19.

Claim 106: page 28, lines 28-33.

Claim 107: page 29, lines 25 and 26.

Claim 122: providing step: page 61, lines 18-23; and Figs. 26 and 27;
distracting step: page 61, line 34-page 62, line 3; and Fig. 27;

inserting step: page 28, lines 28-33; and
performing step: page 28, line 28-page 29, line 28; page 61,
lines 15 and 16; and page 62, lines 15-19; and Fig. 27.

Claim 123: page 28, lines 28-33.

Claim 124: page 28, lines 28-33.

Claim 125: providing step: page 61, lines 18-23; and Figs. 26 and 27;
distracting step: page 61, line 34-page 62, line 3; and Fig. 27; and
performing step: page 28, line 28-page 29, line 28; page 61,
lines 15 and 16; and page 62, lines 15-19; and Fig. 27.

Claim 126: page 62, lines 3-6; and Figs. 26 and 27.

Claim 127: page 61, lines 18-23 and 34-page 62, line 3; and Figs. 26 and 27.

Claim 128: page 61, lines 24 and 25; and Fig. 27.

Claim 129: page 61, lines 24 and 25; and Fig. 27.

In Applicant's reply dated July 3, 2001, Applicant brought to the attention of the Examiner that claims 105-129 corresponded exactly or substantially to claims 1-3 and 5-26, respectively, of U.S. Patent No. 6,083,225, issued to Winslow et al. on July 4, 2000. Applicant submits herewith an application of the terms of the claims pursuant to 37 C.F.R. § 1.607(a)(5). Applicant submits that the application is in condition for the Examiner to declare an interference pursuant to 37 C.F.R. §1.607(c).

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: November 16, 2001

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